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REMARKS

Reconsideration and further examination is respectfully requested. Claims 10, 22 and 33 are cancelled by this amendment. Claims 1, 4, 5, 11, 13, 16, 17, 23, 24, 27, 28 and 34 have been amended. Claims 1-9, 11-21, 23-32 and 34-35 are currently pending.

Objections to the drawings:

Figure 1A was objected to for not including the reference 'Prior Art'. Applicants have amended the figure to include this reference, and thus request that the objection be withdrawn.

Objections to the claims:

Claims 1, 10, 13, 22, 24 and 33 were objected to for various informalities. Applicants have amended the claims to overcome these rejections. For example, the second reference to 'a first' was amended to recite 'a second'. Claims 10, 22 and 33 were cancelled. Accordingly, it is requested that this objection be withdrawn.

Rejections to the Claims

Claims 1-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Li, U.S. Patent 6,549,587.

Li:

Li describes 'A signal processing system which discriminates between voice signals and data signals modulated by a voiceband carrier.' (Abstract). Li further describes, at column 55, lines 50-63:

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“...A rate negotiator 520 synchronizes the connection rates at the network gateways 496a, 496b, 496c (see FIG. 23). The rate negotiator receives rate control codes 520a from the local modem via the data pump state machine 522 and rate control codes 520b from the remote modem via the depacketizing engine 508. The rate negotiator 520 also forwards the remote rate control codes 520a received from the remote modem to the local modem via commands sent to the data pump state machine 522. The rate negotiator 520 forwards the local rate control codes 520c received from the local modem to the remote modem via the packetization engine 506. *Based on the exchanged rate codes the rate negotiator 520 establishes a common data rate between the calling and answering modems..*”

Thus, the rate negotiator of Li uses the exchanged rate codes to establish a common data rate. In contrast, Claim 1, and the other independent claims of the present invention, recite a system “...wherein the first maximum compatible source-to-sink data rate and said second maximum compatible source-to-sink data rate differ...” Such a limitation is neither taught or suggested by Li.

The Examiner states, at page 6 of the office action that ‘Li further discloses... that... the lowest data rate is the preferred data rate and sent to its respective telephony devices...’ However, such a teaching is contrary to that of the present invention, where the rates may differ. Applicant further can find no motivation in Li for a modification to meet the limitations of the claims. Accordingly, for at least this reason, independent claims 1, 13 and 24 are patentably distinct over Li, and the rejection should be withdrawn.

Dependent claims 2-9, 11, 12, 14-21, 23, 25-32, and 34-35, which depend on claims 1, 13 and 24, respectively, serve to add further patentable limitations to their parent independent claims but are allowable for at least the reasons put forth above for the parent claims.

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Applicants have made a diligent effort to place the claims in condition for allowance.

However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Lindsay G. McGuinness, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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